

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

SARAH GARCIA,

Plaintiff,

v.

Civil Action No. 1:21-cv-00539-AJT-TCB

ANTHONY REGINALD DIDONATO
T/A RAPID RECOVERY CREDIT & COLLECTIONS

Defendant.

**PLAINTIFF'S RESPONSE TO ORDER
SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED**

COMES NOW your Plaintiff, by counsel, and as her Response to the Court's Order to Show Cause why the Case should not be Dismissed pursuant to F.R.Civ.P. 4(m), respectfully states as follows:

1. This matter was filed on April 30, 2021. Pursuant to Fed.R. Civ.P. 4(m), service was to be effected by July 29, 2020.
2. Plaintiff attempted service on Defendant, but the service return at what was believed to be Defendant's address came back not found. Defendant's wife, Pat Didonato told the sheriff he did not live there, and a service return was issued on June 25, 2021.
3. Plaintiff requested an alias summons on July 6, 2021.
4. The only other address Plaintiff had at that time for Defendant was a post office box which he used to run his business through. Plaintiff has diligently searched for a new address or a physical address to go with the post office box. Plaintiff

has sent letters to the post office seeking both a forwarding address and a physical address for the post office box. In August, 2021, the post office sent a response that the post office box address was no longer valid, and that the Defendant had moved and left no forwarding address. The post office has not yet responded regarding the request for a forwarding address from the physical address Defendant had resided at, and at which his wife still resides.

5. Plaintiff has also sought to locate a new address for Defendant through TLO, a locator service, and found a possible address in Virginia Beach. However, from other research Plaintiff has done, this Virginia Beach address may be an investment or rental property rather than a home address. Plaintiff is has been attempting to determine if Defendant does in fact reside at this address.
6. Plaintiff has also engaged a title company to attempt to locate any other properties which Defendant may own in order to determine if he resides at any of them.
7. The Defendant is an experienced litigant, and Plaintiff believes he is intentionally obscuring himself from service.
8. In light of the above, the Plaintiff requests the Court to exercise the discretion allowed under Fed.R.Civ.P. 4(m) to order that service be made within 60 days, rather than dismiss the case. This would allow Plaintiff to make another attempt to serve Defendant.

Wherefore, your Plaintiff, by counsel, respectfully requests this Honorable Court not dismiss this matter, and instead allow Plaintiff an additional 60 days for service to be perfected, and for such other relief as the Court deems appropriate.

SARAH GARCIA
By counsel

/s/ Thomas R. Breeden
Thomas R. Breeden, Esquire, VSB # 33410
Thomas R. Breeden, P.C.
10326 Lomond Drive
Manassas, Virginia 20109
(703) 361-9277, facsimile (703) 337-0441
email TRB@Tbreedenlaw.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that on the 18th day of August, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to all parties who have appeared in this case.

/s/ Thomas R. Breeden
Thomas R. Breeden, Esquire
(VSB #33410)
THOMAS R. BREEDEN, P.C.
10326 Lomond Drive
Manassas, Virginia 20109
(703) 361-9277 Telephone
(703) 337-0441 Facsimile
trb@tbreedenlaw.com
Counsel for Plaintiff